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13 SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17  
18 SUCCESSFACTORS, INC., a Delaware  
corporation,

19  
20 Plaintiff,

21 v.

22 SOFTSCAPE, INC., a Delaware  
corporation; and DOES 1-10, inclusive,  
23 Defendants.  
24

Case No. CV 08-01376 CW

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
REGARDING MOTION FOR PROTECTIVE  
ORDER**

Courtroom: G, 15th Floor  
Judge: Magistrate Judge Bernard Zimmerman

Date of Filing: April 28, 2008  
Trial Date: No Date Set

25 Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc., by and through their respective  
26 counsel of record, hereby stipulate and agree as follows:

27 1. The return date on Softscape's non-party subpoenas for deposition testimony and  
28 documents issued on April 21, 2008 to Sears, Roebuck, Inc., Harris Williams & Co., Intelsat

1 Corporation, and ICMA-RC Services, Inc. (“the Customer Subpoenas”) and SuccessFactors’  
2 subpoena to Ely Valls dated April 25, 2008, shall be continued and compliance stayed until sixty  
3 (60) days from the date of this Order. Should either party believe a further extension of the stay  
4 of the Customer or Ely Valls Subpoenas is necessary, the parties will meet and confer in good  
5 faith to determine if a negotiated extension of the stay can be reached. Following such a meet and  
6 confer, any party desiring to extend the stay shall file a letter brief with the Court stating the basis  
7 for the request, and the party opposing any extension shall file a reply letter brief.

8 2. Before Softscape requests further response to the Customer Subpoenas, it and  
9 SuccessFactors, and to the extent necessary the non-parties parties, will meet-and-confer in good  
10 faith to determine if the subpoenas are necessary. If Softscape believes that the subpoenas are  
11 still necessary because some or all of the information cannot be obtained directly from the parties,  
12 Softscape, SuccessFactors and the non-parties will confer to address the objections set forth in  
13 SuccessFactors’ Motion for Protective Order (Dkt. No. 92) and any objections by the non-parties.

14 3. SuccessFactors agrees to withdraw its pending Motion for Protective Order. Its  
15 withdrawal, however, is without prejudice to resubmitting the Motion in whole or in part if the  
16 parties are unable to resolve any disagreements regarding the scope and timing of compliance  
17 with the Customer Subpoenas. The parties and non-parties expressly reserve any and all rights in  
18 and objections to the non-party subpoenas. Nothing in this stipulation or in any prior  
19 communications shall be construed as a waiver of any rights or objections.

20 **IT IS SO STIPULATED.**

21 **ATTESTATION**

22 Concurrence in the filing of this document has been obtained from the other signatories.

23  
24 Dated: May 14, 2008

FENWICK & WEST LLP

25  
26 By: /s/ Patrick E. Premo  
27 Patrick E. Premo  
28 Attorneys for Plaintiff SUCCESSFACTORS, INC.

1 Dated: May 14, 2008

TAYLOR & COMPANY LAW OFFICES, LLP

2  
3 By: /s/ Jessica L. Grant

Jessica L. Grant

4 Attorneys for Defendant SOFTSCAPE, INC.

5 Dated: May 14, 2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.

6  
7 By: /s/ Bryan J. Sinclair

8 Bryan J. Sinclair

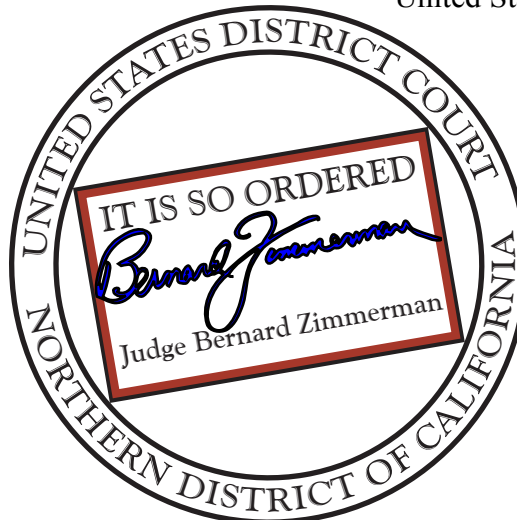
9 Attorneys for Defendant SOFTSCAPE, INC.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: May 14, 2008



Magistrate Judge Bernard Zimmerman  
United States District Court Judge



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FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO